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GENENTECH, INC.
LEGAL, DEPT.

CARPENTER, David A.
GENENTECH, INC.
1 DNA Way
South San Francisco, CA 94080-4990

In re Application of : DECISION ON
GENENTECH, INC. et al :
PCT No.: PCT/US03/34381 : PETITION UNDER
Int. Filing Date: 28 October 2003 :
Priority Date: 29 October 2002 : 37 CFR 1.425
Attorney's Docket No.: P1982R1 :
For: COMPOSITIONS AND METHODS :
FOR THE TREATMENT OF IMMUNE :
RELATED DISEASES :

This request "Response to Invitation to Correct Defects in the International Application" filed on 5 February 2004, requesting that the above-captioned international application be accepted without the signature of applicant/inventor Sudeepa Aggarwal. No petition fee is required.

BACKGROUND

On 28 October 2003, applicants filed the present international application with the United States Receiving Office (RO/US).

On 05 February 2004, the RO/US mailed an "INVITATION TO CORRECT DEFECTS IN THE INTERNATIONAL APPLICATION" (Form PCT/RO/106), which indicated that as to the signature of the international application, the request is signed by what appears to be an agent/common representative but the power of attorney accompanying the international application was not signed by all the applicants.

On 25 February 2004, applicants filed the present petition requesting acceptance of the international application without the signature of one of the seven named applicants on the Request, i.e., applicant/inventor Sudeepa Aggarwal. The petition was accompanied by a letter mailed to Ms. Sudeepa in the effort to locate her.

DISCUSSION


The statement in the petition and the letter provided by Mr. Carpenter are sufficient under 37 CFR 1.425 to establish that applicant/inventor Sudeepa could not be found to sign the Request because the effort to reach her were unsuccessful.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.425 is **GRANTED**.

The application will be returned to the RO/US.


Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459


Leonard Smith
PCT Legal Examiner
PCT Legal Office